

# Special Appointing Authorities for Veterans

## Veterans Recruitment Appointment (VRA) Authority

The VRA is a special authority by which agencies can, if they wish, appoint eligible veterans without competition to positions at any grade level through General Schedule (GS) 11 or equivalent. (The promotion potential of the position is not a factor.) VRA appointees are hired under excepted appointments to positions that are otherwise in the competitive service. There is no limitation to the number of VRA appointments an individual may receive, provided the individual is otherwise eligible.

If the agency has more than one VRA candidate for the same job and one (or more) is a preference eligible, the agency must apply the Veterans' preference procedures prescribed in 5 CFR Part 302 in making VRA appointments. A veteran who is eligible for a VRA appointment is not automatically eligible for Veterans' preference.

After two years of satisfactory service, the agency must convert the veteran to career or career-conditional appointment, as appropriate.

## Eligibility Criteria:

The Jobs for Veterans Act, Public Law 107-288, amended title 38 U.S.C. 4214 by making a major change in the eligibility criteria for obtaining a Veterans Recruitment Appointment (VRA). Those who are eligible:

- Disabled veterans; or
- Veterans who served on active duty in the Armed Forces during a war, or in a campaign or expedition for which a campaign badge has been authorized; or
- Veterans who, while serving on active duty in the Armed Forces, participated in a United States military operation for which an Armed Forces Service Medal was awarded; or
- Recently separated veterans.

Veterans claiming eligibility on the basis of service in a campaign or expedition for which a medal was awarded must be in receipt of the campaign badge or medal.

In addition to meeting the criteria above, eligible veterans must have been separated under honorable conditions (i.e., the individual must have received either an honorable or general discharge).

## Note:

Under the eligibility criteria, not all 5-point preference eligible veterans may be eligible for a VRA appointment. For example, a veteran who served during the Vietnam era (i.e., for more than 180 consecutive days, after January 31, 1955, and before October 15, 1976) but did not receive a service-connected disability or an Armed Forces Service medal or campaign or expeditionary medal would be

entitled to 5 pt. veterans' preference. This veteran, however, would not be eligible for a VRA appointment under the above criteria.

As another example, a veteran who served during the Gulf War from August 2, 1990, through January 2, 1992, would be eligible for veterans' preference solely on the basis of that service. However, service during that time period, in and of itself, does not confer VRA eligibility on the veteran unless one of the above VRA eligibility criteria is met.

Lastly, if an agency has 2 or more VRA candidates and 1 or more is a preference eligible, the agency must apply Veterans' preference. For example, one applicant is VRA eligible on the basis of receiving an Armed Forces Service Medal (this medal does not confer veterans' preference eligibility). The second applicant is VRA eligible on the basis of being a disabled veteran (which does confer veterans' preference eligibility). In this example, both individuals are VRA eligible but only one of them is eligible for Veterans' preference. As a result, agencies must apply the procedures of 5 CFR 302 when considering VRA candidates for appointment.

## **Making Appointments**

Ordinarily, an agency may simply appoint any VRA eligible who meets the basic qualifications requirements for the position to be filled without having to announce the job or rate and rank applicants. However, as noted, Veterans' preference applies in making appointments under the VRA authority. This means that if an agency has 2 or more VRA candidates and 1 or more is a preference eligible, the agency must apply Veterans' preference. Furthermore, an agency must consider all VRA candidates on file who are qualified for the position and could reasonably expect to be considered for the opportunity; it cannot place VRA candidates in separate groups or consider them as separate sources in order to avoid applying preference or to reach a favored candidate.

## **Terms and Conditions of Employment**

A VRA appointee may be promoted, demoted, reassigned, or transferred in the same way as a career employee. As with other competitive service employees, the time in grade requirement applies to the promotion of VRAs. If a VRA-eligible employee is qualified for a higher grade, an agency may, at its discretion, give the employee a new VRA appointment at a higher grade up through GS-11 (or equivalent) without regard to time-in-grade.

Agencies must establish a training or education program for any VRA appointee who has less than 15 years of education. This program should meet the needs of both the agency and the employee.

## **Appeal Rights**

During their first year of employment, VRA appointees have the same limited appeal rights as competitive service probationers, but otherwise they have the appeal rights of excepted service employees. This means that VRA employees who are preference eligibles have adverse action protections after one year (see Chapter 7). VRA's who are not preference eligibles do not get this protection until they have completed 2 years of current continuous employment in the same or similar position.

### **Nonpermanent Appointment Based on VRA Eligibility**

Agencies may make a noncompetitive temporary or term appointment based on an individual's eligibility for VRA appointment. The temporary or term appointment must be at the grades authorized for VRA appointment but is not a VRA appointment itself and does not lead to conversion to career-conditional.

**38 U.S.C. 4214; Pub. L. 107-288; 5 CFR Part 307; 5 CFR 752.401 (c)(3)**